

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

**UNITED STATES OF AMERICA**

**V.**

**NO. 1:23-CR-124**

**DEMONTRELL LOWE**

**ORDER**

On December 6, 2023, this Court entered an order setting January 2, 2024, as the dispositive motions deadline. Doc. #14 at PageID 20. On January 4, 2024, Demontrell Lowe filed a “Motion to Dismiss Indictment.” Doc. #16.

A dispositive motion filed after the dispositive motions deadline may be denied as untimely. *United States v. Carr*, 83 F.4th 267, 273–74 (5th Cir. 2023) (“[T]he district court did not abuse its discretion in denying Carr’s motion to dismiss as untimely.”). Because Lowe’s motion to dismiss is untimely since it was filed after the dispositive motions deadline and because Lowe has not sought an extension of the dispositive motions deadline or leave to file the motion to dismiss after the deadline,<sup>1</sup> the motion to dismiss [16] is **DENIED** as untimely.

**SO ORDERED**, this 5th day of January, 2024.

**/s/Debra M. Brown**  
**UNITED STATES DISTRICT JUDGE**

---

<sup>1</sup> “[C]ourts may consider untimely motions for ‘good cause.’” *United States v. Carr*, 83 F.4th 267, 273 (5th Cir. 2023) (quoting Fed. R. Crim. P. 12(c)(3)). “[A] showing of good cause requires a showing of cause and prejudice.” *Id.* (quoting *United States v. Dennis*, 41 F.4th 732, 739–40 (5th Cir. 2022)); see Fed. R. Crim. P. 45(b)(1)(B) (court may extend deadline after the deadline expires “for good cause” and “if the party failed to act because of excusable neglect.”).